IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6822 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

NARANBHAI L GADHAVI

Versus

PATDI KELVANI MANDAL

Appearance:

MR BV LAKHIA for Petitioner

MR KS NANAVATI for Respondent No. 1

M/S PATEL ADVOCATES for Respondent No. 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 15/12/2000

ORAL JUDGEMENT

#. Heard the learned counsel for the parties.

#. The petitioner's services were brought to an end as the library in which he was working was closed down by

the respondents. His services were brought to an end after following the provisions of section 25-F of the Industrial Disputes Act. The petitioner has been paid one notice and retrenchment compensation. This amount has been accepted by the petitioner and thereafter he filed this petition.

#. It is not the case of the petitioner that this amount has not been accepted by him. Grievance has been made that retrenchment compensation has not been paid to him to the extent for which he would have been entitled under section 25-F of the I.D. Act. For this grievance, this petition is wholly misconceived. The petitioner is a workman and Library was an `industry', for which, if any grievance is there against the order of termination of his services, he should have raised an industrial dispute, which has not been raised by him. This Court, otherwise also in the matter where the petitioner claims any benefit under a specific statute and if remedy is provided for redressal of grievance, no such relief can can be granted for violation of that provisions.

#. Then the petitioner prays for the relief on the ground of violation of section 25-G of the Industrial Disputes Act by the respondents but for this also, remedy lies elsewhere and not before this Court. Otherwise also, the petitioner has failed to show which of the junior person has been retained in the service. It is a case where library has been closed down and no work for the petitioner remained with the respondents. He was working on consolidated salary, and as such, his termination from the services is perfectly, legal and justified to which action of the respondents, no exception can be made.

#. In the result, this special civil application fails and the same is dismissed. Rule discharged. Interim relief, if any, granted stands vacated. No order as to costs.

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zgs/-